IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

LA.App..No. 120 of 2007(D)

LAR.20/2000 of SUB COURT, MANJERI
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APPELLANT/SUPPLEMENTAL 2ND RESPONDENT:

KERALA STATE INDUSTRIAL DEVELOPMENT
CORPORATION, KOWDIAR P.O., THIRUVANANTHAPURAM
BY ITS AUTHORIZED OFFICER, GEOGI GEORGE,
ASSISTANT GENERAL MANAGER (IGC).

BY ADV. SRI.B.KRISHNA MANI
ADV. SMT.S.SIBHA
ADV. SRI.SIJU RAJAN
ADV. SRI.JOSEPH T.JOHN

RESPONDENTS/CLAIMANT & 1ST RESPONDENT:
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1. KIZHAKKEPARAMBATH MUHAMMED AMEER,
S/O. ISMAIL, PANAKKAD, MALAPPURAM.

2. THE DISTRICT COLLECTOR, MALAPPURAM.

BY

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T. SANKARAN, JJ.

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L.A.A. No. 120 OF 2007

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Dated this the 27th March, 2007

J U D G M E N T

Kurian Joseph, J:

This appeal is filed against the judgment in L.A.R. No. 20 of 2000 on the file of the Sub Court, Manjeri. Acquisition was for the purpose of setting up of Industrial Growth Centre at Panakkad .

2. Learned counsel for the appellant vehementally contended that the land value fixed by the reference court at the rate of Rs.4,500/- is unjust and and unreasonable. Reference is invited to the judgment dated 24.05.2005 in L.A.A. 533 of 2005 wherein a Division Bench of this court has observed that the land value for the lands included in group 'B' is Rs.4,000/-. We are afraid that the said contention cannot be appreciated. It is seen from the judgment under appeal that reliance is placed on common judgment in L.A.R. No. 39/99 and connected cases (Ext.A7). We have dismissed the appeals filed against the said common judgment by judgment dated 15.03.2007 in L.A.A. 771 of 2005 and connected cases. Since the relied on judgment thus having become final, the judgment of the reference court cannot be attacked on the basis of reference to another

judgment . We also find that the reference court has rightly adverted to the dissimilarity of the acquired land with that of the basis land.

In view of the above, we do not find any merit in this appeal and it is accordingly dismissed.

KURIAN JOSEPH,
JUDGE.

K.T. SANKARAN,
JUDGE.

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